



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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December 20, 2018

**MEMO ENDORSED**

The next joint status letter shall be filed by February 1, 2019.

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Ona T. Wang".

**Ona T. Wang** 1/4/19  
United States Magistrate Judge

**VIA ECF**

Honorable Ona T. Wang  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: SEC v. Robert Stewart et al., No. 15-cv-03719 (AT)(OTW)**

Dear Judge Wang:

I write to provide a status report on the above-referenced case. As previously reported, Mr. Stewart appealed the judgment of conviction in the related criminal case, *United States v. Sean Stewart*, No. 15-cr-287 (LTS) (the "Criminal Action"), to the Second Circuit. *See United States v. Sean Stewart*, No. 17-593 (the "Criminal Appeal"). Counsel for the Commission and Mr. Stewart reached an agreement in principle regarding settlement if the Second Circuit denied the Criminal Appeal. On November 6, 2017, the Court stayed this case pending resolution of the Criminal Appeal (Dkt. No. 75).

On November 5, 2018, the Second Circuit issued a ruling vacating Mr. Stewart's criminal conviction and remanding the matter to the district court for further proceedings. On November 26, 2018, the Second Circuit granted the motion by the United States Attorney's Office for the Southern District of New York (the "USAO") for a 30-day extension of the time within which to file a petition for rehearing, extending the deadline until December 19, 2018. On November 30, 2018, the USAO advised the Court that it will not be filing a petition for rehearing.

The mandate has not yet issued in the Criminal Action. The USAO, however, has stated that it intends to retry Mr. Stewart. In a letter filed on December 4, 2018, the USAO asked the Hon. Laura Taylor Swain, who is presiding over the Criminal Action, to set a trial date at the Court's earliest convenience.

Respectfully submitted,

/s/ Julia C. Green  
Julia C. Green

cc: Counsel of Record (by ECF)  
Sean Stewart (by U.S. Mail)  
Richard Cooper, Esq. (by email)  
Samson Enzer, Esq. (by email)  
Alexandra Shapiro, Esq. (by email)